

REMARKS

Claims 44-106 were examined and reported in the Office Action. Claims 44, 45, 51-54, 63 and 64 are rejected. Claims 55-62 and 68-106 are allowed. Claims 44 and 63 are amended. Claims 44-106 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. **35 U.S.C. § 102(b)**

It is asserted in the Office Action that claims 44, 45, 51-54, 63 and 64 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent Application No. 5,456,271 issued to Legette (“Legette”). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

’[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant’s amended claim 44 contains the limitations of

a circular and curved rod having a hooked portion disposed within a body portion; and a bead stop coupled to the body portion, wherein said hooked portion adapted to string filamentous material through at least one bead having a thru-hole, said bead stop to force said at least one bead off said rod

Applicant's amended claim 63 contains the limitations of

a rod having an end portion and a hooked portion, the end portion and the hooked portion being at opposite ends of the rod; a support coupled to the rod, the support including a plurality of rod guides, and a spring coupled to the rod, the rod having a bent portion to keep the spring in place between the bent portion and one of the plurality of rod guides, wherein said hooked portion adapted to string filamentous material through at least one bead having a thru-hole, and one of the plurality of rod guides is a bead stop adapted to force said at least one bead off said rod.

Legette discloses a hair beading tool having a straight rod having a flange 45 to hold spring 44 in place. Nut 38 holds cylinder 14 in place. Legette does not teach, disclose or suggest a circular and curved rod. Further, Legette does not teach, disclose or suggest the rod has a bent portion to hold a spring in place. Instead, Legette uses a flange 45 attached to a rod. Moreover, Legette does not teach, disclose or suggest one of the plurality of rod guides is a bead stop adapted to force said at least one bead off said rod. In Legette, a person must force a bead off of cylinder 14.

Therefore, since Legette does not disclose, teach or suggest all of Applicant's amended claims 44 and 63 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Legette. Thus, Applicant's amended claims 44 and 63 are not anticipated by Legette. Additionally, the claims that directly or indirectly depend on claims 44 and 63, namely claims 45 and 51-54, and 64, respectively, are also not anticipated by Legette for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection for claims 44, 45, 51-54, 63 and 64 is respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 55-62 and 68-106 are allowed and that claims 46-50 and 65-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 46-50 and 65-67, as they now stand, are allowable for the reasons given above.



CONCLUSION

In view of the foregoing, it is submitted that claims 44-106 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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By: _____

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on May 5, 2006.

Jean Svoboda